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SUBJECT: OFAC BRIEFS AU COMMISSIONER ON SANCTIONS, CRITERIA

¶1. (SBU) Summary: A team of representatives from the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) provided a technical briefing to African Union Commissioner for Peace and Security Ramtane Lamamra about OFAC's role in administering and enforcing economic sanctions. Lamamra expressed an interest in establishing an African Union sanctions program that would target individuals who have participated in or supported coup attempts against constitutional governments. Lamamra asked questions about how to establish potential sanctions criteria and requested that the group consider briefing a larger audience on the application of targeted actions, such as through a workshop with the AU Peace and Security Council. END SUMMARY.

¶2. (SBU) On March 19, 2009, a team of representatives from the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) briefed African Union Commissioner for Peace and Security Ramtane Lamamra about OFAC's role in administering and enforcing economic sanctions. John E. Smith (Associate Director of OFAC), Tara Drozdenko (Chief of the Country/Regime Sanctions Unit), Tiffany Sloan (Sanctions Investigator) and Jane Dennison (Department of State Desk Officer for Mauritania and Niger) provided the briefing. Lamamra informed the group that the Peace and Security Council of the African Union had recently established a Sub-Committee on Sanctions and that the new organization would appreciate any guidance that Washington could contribute on the process of applying targeted sanctions.

¶3. (SBU) John Smith broke down the existing domestic sanctions programs into four categories: Comprehensive Programs, Limited Programs, Regime-Based Programs and Activity-Based Programs. He explained that OFAC initially compiles lists of individuals and entities by investigating various forms of available information, including news media and press articles, and that those lists are eventually developed into evidentiary packages. The evidentiary packages, he explained, are then reviewed by lawyers to ensure that certain legal standards are met before any final decisions on designations are made. He outlined the procedures in place to ensure that banks comply with asset freeze regulations, and explained how licensing allows for certain exemptions to be given to sanctions regulations.

¶4. (SBU) Lamamra expressed an interest in establishing sanctions programs that would target individuals who have participated in or supported coup attempts against constitutional governments, specifically noting the political situation in Mauritania. He expressed concern over the criteria for implementing a coup-based sanctions program, such as whether diplomats or government officials who publicly support a coup should be exempted from sanctions. The OFAC delegation explained that there would always be cases requiring individualized attention, but that specific conduct, as opposed to mere speech, should constitute the criteria for designation. Lamamra also expressed concern over

the humanitarian effects of sanctions against the children and families of junta members. OFAC recognized this real concern but said that it needed to be weighed against the common practice of putting assets in the names of family members. OFAC noted that any undue humanitarian effects could be ameliorated through licensing certain transactions or types of transactions.

15. (SBU) Lamamra requested that the delegation consider briefing a larger audience on the application of targeted actions, potentially through a workshop with the AU Peace and Security Council in Addis Ababa. The OFAC delegation agreed to communicate the request to Treasury and expressed a desire to work closer with the African Union on areas of common interest.

Wolff